

City of Coral Gables City Commission Meeting
Agenda Item C-1
June 30, 2010
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Donald D. Slesnick, II
Vice Mayor William H. Kerdyk, Jr.
Commissioner Maria Anderson
Commissioner Rafael “Ralph” Cabrera, Jr. (absent)
Commissioner Wayne “Chip” Withers

City Staff

City Manager, Patrick Salerno
City Attorney, Elizabeth Hernandez
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Planning Director, Eric Riel

Public Speaker(s)

Charles Siemens
Zeke Guilford, Attorney Representing University of Miami
President Donna Shalala, University of Miami
Albert Vara, City of Coral Gables Resident
William Hartnett, City of Coral Gables Resident
Maria C. Cruz, City of Coral Gables Resident
Richard Namon, City of Coral Gables Resident
Enrique Lopez, City of Coral Gables Resident
Standford Birnholz, City of Coral Gables Resident

C-1 [Start: 9:32:44 a.m.]

Ordinance on First Reading. An Ordinance of the City Commission of Coral Gables amending the City of Coral Gables Comprehensive Plan pursuant to large scale amendment procedures subject to ss. 163.3187, Florida Statutes, for the following Comprehensive Plan text and Comprehensive Plan Map amendments for the University of Miami, City of Coral Gables Campus, generally bounded by Ponce de Leon Boulevard, Red Road (SW 57th Avenue), Mataro Avenue, San Amaro Drive, Campo Sano Avenue, Pisano Avenue and Carillo Street, Coral Gables, Florida (depicted graphically herein); and providing for severability, repealer, codification, and an effective date; as follows:

- A. Amendment to Comprehensive Plan Policy FLU-1.1.6, Table FLU-5, entitled “Other Land Uses”, by renaming “University” land use to “University Campus” land use, and adding the “University Campus Multi-Use Area”.

- B. Amendment to Comprehensive Plan Policy FLU-1.1.6, Table FLU-5, entitled “Other Land Uses”, by increasing the maximum Floor Area Ratio (FAR) for “University” land use from 0.5 FAR to 0.7 FAR.
- C. Amendment to the Future Land Use Map to change the land use designation of University owned properties located on Block 192, Riviera Section Part 14 from “Commercial Use, Low-Rise Intensity” to “University Campus” land use.
- D. Amendment to Comprehensive Plan Policy MOB-2.2.1, to include the University of Miami campus and several contiguous properties outside the campus in the geographic description of the Gables Redevelopment and Infill District (GRID) also known as a Transportation Concurrency Exemption Area (TCEA), including the area bounded by Ponce de Leon Boulevard, Red Road (SW 57th Avenue), Mataro Avenue, San Amaro Drive, Campo Sano Avenue, Pisano Avenue and Carillo Street.
- E. Amendment to Comprehensive Plan MOB-2 Map, to graphically include the University of Miami campus and several contiguous properties outside of the campus into the Gables Redevelopment and Infill District (GRID) also known as a Transportation Concurrency Exemption Area (TCEA).
- F. Amendment to the Future Land Use Map to designate and graphically locate proposed “University Campus Multi-Use Area” along Ponce de Leon Boulevard, approximately bounded by Stanford Drive, Walsh Avenue and the University (Mahi) Waterway Canal.

Mayor Slesnick: We are now going into our public hearing today, and this is Item C-1; anyone who wishes to speak as part of the public on this thing, I would ask that you fill out a speaker card, they are available in the hallway, and you’ll turn them into the City Clerk, and we will use these speaker cards, which I notice that we now have in green and white, which is very nice, to call upon speakers. I would also note for the record that for those of you watching you may wonder where Commissioner Cabrera is, and this is a specially called meeting, and Commissioner Cabrera from the onset was unable to attend, and so stated that, and so we reluctantly scheduled this; very seldom have we ever scheduled a meeting where we knew one of our members couldn’t come, but because of the requirements of the State, and if we should decide to pass these amendments to our Comprehensive Plan along to the State for comment, they need to move on, there is a time thing, Commissioner Cabrera understood that. So we proceed with his blessings, and we miss him. So with that Mr. Manager, Item C-1.

City Manager Salerno: Thank you Mayor; would you like me to read the item into the record or just go...?

Mayor Slesnick: If you would please.

City Manager Salerno: This is an Ordinance on First Reading. An Ordinance of the City Commission of Coral Gables amending the City of Coral Gables Comprehensive Plan pursuant to large scale amendment procedures subject to ss. 163.3187, Florida Statutes, for the following Comprehensive Plan text and Comprehensive Plan Map amendments for the University of Miami, City of Coral Gables Campus, generally bounded by Ponce de Leon Boulevard, Red

Road (SW 57th Avenue), Mataro Avenue, San Amaro Drive, Campo Sano Avenue, Pisano Avenue and Carillo Street, Coral Gables, Florida (depicted graphically herein); and providing for severability, repealer, codification, and an effective date; as follows:

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Mr. Mayor and Commissioners, Eric will introduce the matter followed by Charles Siemen.

Mr. Riel: Good morning Commissioners, Mr. Mayor. We have a brief PowerPoint presentation. I’m going to start off, Charlie is going to....Mr. Siemen is going to do a portion of it, and then I’m going to conclude the presentation. What this is, this is a request of the Comprehensive Plan amendment by the University of Miami. Amendments to the Comprehensive Plan have to go through the local planning agency or the Planning and Zoning Board, an ordinance on two hearings, and they do...they are a large scale development amendments, so they need to go to DCA, the Department of Community Affairs. That occurs between first and second readings, typically takes 60-65 days. They are proposing an amendment to both the text and the map series of the Comprehensive Plan. Basically, it includes six amendments, the reference A through F, and Mr. Siemen is going to go through each of those in detail in terms of what A through F actually means. Staff’s analysis: Detailed analysis is on page 7 through 22 in the Staff Report. We analyzed pursuant to the Comp Plan, the Zoning Code and other Codes, also a separate independent traffic analysis was completed; we also had advanced discussions with the DCA in terms of the amendments, which we typically do on all amendment packages. Turn it over to Mr. Siemen.

Mr. Siemen: Mayor, members of the Commission. The first amendment A is I think a relatively straight forward and simple amendment. The existing Comprehensive Plan addresses the campus land use designation as “University”, and there has been some confusion and ambiguity between what’s permitted on the campus, and what is permitted off the campus. So we, in working with the University of Miami in regard to a wide variety of matters, we have recommended that we rename it to “University Campus” to make it clear that there are certain uses and activities that are appropriate on a campus and that there are other educational facilities that are off campus, and so it’s really a label. The second is to create the multi-use sub area in that land use category. There has always been a north-south area in the plan, but it’s never been in our Comprehensive Plan, and as we clarify some ancillary and accessory uses which are included within the overall ambit of university-related activities, we believe it’s appropriate that those be listed as appropriate only in the multi-use area, so that they are located in a portion of the campus closest to transit and furthest away from the single family neighborhoods. So that’s the first amendment “A” is just a text amendment, and I want to try to simplify this by saying there is also a map amendment that we’ll get to at the end of my presentation, which takes that multi-use area and not just puts it in the text, but now puts it on the map, so that its mapped and will be part of the Comprehensive Plan going forward. The second amendment I’ve just described, the multi-use area, and the text amendment really identifies with more detail, ancillary and accessory uses, which are commonly found on university campuses, but have not been explicitly addressed, and therefore under the existing interpretation, they could be permitted anywhere within, what is called, the core area of the campus, and this again goes along, the text of it is, this category shall include other land uses that are associated or affiliated with the university or directly supports the university mission to educate and nurture students, to create knowledge, to provide service to the community. Other uses may include lodging, conference center, governmental public sector, research office, and medical health care uses, it also retail uses ancillary to these other would be permitted, but they could only be fifteen percent of whatever is in the multi-use areas, not fifteen percent of the whole campus, its fifteen percent of that multi-use area. In the Comprehensive Plan as a matter of policy identify what ancillary and accessory uses would be appropriate and where they should be located on the campus to carry out those objectives. Text Amendment B is to modify the Comprehensive Plan to increase the maximum permitted floor area from 0.5 to 0.7, an increase of 0.2. Over the years since 1992, there have been a whole variety of UMCAD approvals that have been granted, and the plan and maximum square footage that has been approved has varied from time to time. The Master Plan on which it’s based, which was prepared in 1992, has always identified a maximum permitted FAR, floor area, of 6 point, I’ll round it to 8 million square feet, and to resolve any ambiguity and to ensure that whatever is approved going forward is consistent with the Comprehensive Plan, this FAR, this amendment will result in clarifying that issue. No additional square footage beyond what’s always been in the Master Plan would be permitted as a result of this amendment. The third is – there are three parcels of land on Hurricane Drive, San Amaro and Levante, which are legally contiguous as we define contiguous to the campus, they are University owned and University used, but have never been incorporated in the campus. So this amendment to the future land use would change it from commercial use low-rise to University Campus, the new classification; and again the perspective has been that uses which are directly related and supportive of university activities ought to be on the campus and a part of the campus. The next amendment is the inclusion in the text of the university campus and some properties in the Gables Infill and Redevelopment District. This is something

that the University has requested and staff has carefully analyzed, and it's our belief that in the context of the overall conversations with the University going forward, the best way to protect neighborhoods, to promote internalization of external road impacts, to promote alternative use of transportation programs like the University's restrictions on freshmen parking on campus. All those activities, which they do some of them on their own, some of them are generally referred to in prior UMCAD approvals, but don't really have the sort of regulatory comfort that we believe they should have, and as a part of the ongoing conversation, we have proposed working on a new zoning district, which would replace the UMCAD, and it would include a new Campus Master Plan, and as a part of that Campus Master Plan a Mobility Plan, a mobility element that would memorialize the things that the University agrees to do in order to promote the use of these alternative modes of transportation. This is very consistent with the amendments to the Growth Management Act that were adopted two years ago in Senate Bill 360, which shifts in redevelopment, in built-out communities the emphasis away from just roads and what the demand capacity ratio is, to how do we make it work when we do infill and redevelopment, and if you look at the University from an objective perspective, it really is one of the best opportunities, I think, in South Florida to really promote alternative uses, I mean, they control their students, they do have an intra-campus shuttle, it's on the regional transit system, the opportunity to move more campus housing would help produce external trips. So, we have suggested that, that is appropriate. And then the last is a map amendment to put the GRID on the map. There is a mobility graphic, MOB-2, one of the map series in the Comp Plan, that shows where the existing GRID is, the GRID is adjacent to this; it runs down U.S.-1 all the way to the southwestern extreme of the community of Red Road. Then finally the amendment that I previously described of putting the multi-use area on the future land use map. Those are the map amendments. I do want to explain that in our ongoing relationship and conversations with the University, we have been working on a development agreement, a long sought after development agreement, and that it is contemplated that as the review is going on of these Comp Plan amendments should you transmit them to the Department of Community Affairs, we will continue to work on explanations and on the plan amendments themselves, and also to bring the development agreement to completion and then start it through the process, if it has to go the Planning and Zoning Board before it comes to this Commission, that our plan is to complete that, bring it forth publicly as soon as it's done, start the public hearing process before Planning and Zoning so that when the Department of Community Affairs returns after the review period, when it returns to you for your substantive consideration of these amendments, the development agreement will have gone through the Planning and Zoning process and will arrive, so that you will then have the complete package, but the scheduling of up to 65 days, 60 days for the State's review, we can't just sit until we finish the development agreement, we need to get that review going, we think it will be useful in your deliberations ultimately on the entire package, and so that's why this is preceding to transmit, not to adopt, transmit it to the Department so we can see if they have any comments that would be of interest or use in our deliberations.

Vice Mayor Kerdyk: Can I just ask a point of clarification? So, the development agreement proceeds along now; we send this, if this gets approved, we send this up to DCA who takes 60-65 days to review and provide comments back to the city. At what point is there public discussion again on it after the DCA reviews it, it comes back to the city probably in September-October timeline period?

Mr. Siemen: We are hoping that it would be by mid September, we'd be prepared to start public consideration before this body, both of the substantive amendments and the development.

Vice Mayor Kerdyk: And that's when the neighborhood would be re-noticed and at that point we will be able to have full discussion on this issue.

Mr. Siemen: Of the entire package.

Vice Mayor Kerdyk: Thank you.

Mr. Riel: In terms of public notice city staff mailed out 1,700 notices, 1,500 feet within the University, typically we only do 1,000, so we did an additional 500; did the legal advertising, posted the property, actually posted the agenda; the University conducted a neighborhood meeting, and you do have comments as an exhibit in the back of your packet, we received about seven or eight comments. Staff in terms of presented findings of fact – we analyzed the Comprehensive Plan, the Zoning Code, and we determined in support of the application that they've complied with the Comprehensive Plan in terms of the request, procedural requirements. As Mr. Siemen indicated, the University and the City has been in preparation of a development agreement, that agreement provides for the future growth and development of the campus, and provides for appropriate mitigation measure. Some of those mitigation measures that are being discussed, or as Mr. Siemen indicated, a Master Plan, associated Mobility Plan, Financial Mitigation, creation of buffer of transitional zone, no University parking, limitation on University uses, conveyance of certain city lands, and reconveyance of the fire station property. The proposed amendments are consistent with the Comprehensive Plan goals, objectives and policies. The Planning Department request the Commission make three recommendations: the first being recommend transmittal of the proposed amendments of the University of Miami to the DCA for review, the 60 day review; recommend that the Commission support the proposed Comprehensive Plan amendments subject to the approval of the development agreement between the City and the University, and the third is basically we request that the Commission based on the findings of fact present a report, recommend in furtherance of the Comprehensive Plan. This is a standard condition that we have on typical Comprehensive Plan Amendments. As Mr. Siemen indicated there is a 60 day review by the DCA, we expect to get back to the Commission mid September, we are expecting to take it to the Planning and Zoning Board in August, the development agreement, and those will both land before the Commission in mid September, the development agreement as well as the Comprehensive Plan amendment; and the Planning and Zoning Board after meeting last week recommended approval of all three of those recommendations, however on the transmittal they did recommend denial of Amendments D and E, which is the extension of the GRID into the University campus. That basically concludes staff's recommendation. We'll be happy to answer any questions or turn it over to the applicant.

Mayor Slesnick: Explain to me in recommending denial of the two, the expansion of the GRID, we don't need to either approve or deny to transmit, do we?- I mean, we transmit, I guess its tacit approval probably, but we get it back to consider it after DCA.

City Manager Salerno: Charlie, would you answer the Mayor.

Mr. Siemen: That's correct Mayor. All the action you are taking today is to transmit, would take today is to transmit to the Department pursuant to the Statute. The substantive evaluation and determination would be made when it returns after a public hearing.

Vice Mayor Kerdyk: I have a question. As far as the...just for clarification. With regards to the University Campus multi-use area, you said there were additional medical and lodging, and the retail uses; what kind of retail uses are you defining there?

Mr. Siemen: For example, if there were a conference center and a hotel there might be restaurants and other retail activities. Its retail related to those uses that were permitted. It could be a pharmacy in conjunction with the health care facility. It is something – it's not just retail its not a Circuit City, they are gone I guess....

Vice Mayor Kerdyk: I guess the reason I'm asking and I understand the GRID very much so. Retail uses are heavily – they differ in needs of parking, certainly a pharmacy may different than a restaurant or whatever it is, and I was just wondering the definition of how you see retail and how that would be applicable to parking.

Mr. Siemen: It's related to those other ancillary and accessory uses and would be – but still accommodated and the parking requirements would be taken into consideration in the applicable code.

City Manager Salerno: Commissioner if I could add, it has to be university related. So in the case of, for instance, the library, I understand there is still a Starbucks there going strong; principally the users of that are the students that are going to Starbucks. It's that along those lines that this is contemplated.

Vice Mayor: Alright. Following that logic, if you build a medical facility there and other people are using it outside the students, that retail usage might differ from what a Starbucks is when a student uses it. So I just wanted – we can get clarification between first and second reading, I understand that, but that's one of the issues I need to...

Mr. Siemen: But I think the parallel that the Manager just described is what we understand...is what we are trying to achieve, just like the students in the library drinking coffee while they are using the primary use, the retail would be related to the University-related hotel and conference center, or the medical center, whatever. It wouldn't be designed and anticipated to operate if somebody is going to go there to buy a Wearing Blender while they are at the health care facility they may go to the restaurant.

Vice Mayor Kerdyk: But I guess the usage would be greater if you had a medical facility where people were coming in to utilize that outside of a Starbucks that the students are encapsulating in their campus plan.

Mr. Siemen: But the primary driver would be the health care facility.

Vice Mayor Kerdyk: We can discuss that later, but thank you.

Commissioner Withers: Eric, I watched the disc and I read the, whatever this thing is called...

Mayor Slesnick: Transcript.

Commissioner Withers: Sorry, the transcript, thanks Don; what was your take, you know your Board well, what was your take on their reasoning for not really giving the thumbs up on D and E?

Mr. Riel: It's always somewhat dangerous to try to, you know....the board

Commissioner Withers: I know, I'm asking you here to totally speculate.

Mr. Riel: I think they had some concerns in terms of statutory requirements. This is a new concept in terms of mobility plans; we are used to evaluating or measuring traffic on volume. This is looking at an alternative to deal with the volumes there, to try to mitigate it. So the Mobility Plan, I think it was a little apprehension on their part, and also and finally I think, obviously the policy direction in terms of the overall traffic, I think they kind of deferred just to the Commission. That's kind of my take on it. After going back and looking at, if you notice in the part of the minutes, it's a substantial part, it's about 20 or 30 pages, that's my summary.

Commissioner Anderson: I think having watched the Planning Board meeting that night, I think there was actually a disconnect between how we have measured it before from a conceptual standpoint, and how we are going to implement it now, this from what I understand from Mr. Siemen too, and a further explanation in a phone call the other day Senate Bill 360 actually adds teeth to this whole GRID issue which requires the University to enforce, you know, put into practice, which they already have to some extent even more so hopefully in the future a Mobility Plan. So that's probably what I think the disconnect was between the members, I mean that's what I read, don't have that, it was just intuitively reading the members.

Mr. Siemens: Commissioner, I'd also if I could just observe, they are sort of in a unique position. The other half of this substantive equation is in the development agreement, and this was their only opportunity to speak because when the plan amendments come back they don't go back to them, to come to you. So based on what they saw, I think they wanted to take – I sensed a conservative position. They did say transmittal, did say get us the development agreement, we look forward to reviewing it.

City Manager Salerno: Thank you.

Mayor Slesnick: I just want to make sure we understand though that point that you keep referring to, so everyone watching this because its hard for us to understand sometimes, but there is a multi-tiered procedure, that's the point I want to make, multi-tiered; this is the Comprehensive

Plan, the Comprehensive Plan provides a foundation for possible future changes to the Zoning Code; the Zoning Code is in fact the controlling document as to what exactly happens, am I right?

Mr. Riel: Correct.

Mayor Slesnick: The Zoning Code would be considered at public hearings and specifics of any plans of the University will be addressed in the Zoning Code.

Mr. Riel: Correct.

Mayor Slesnick: The word development agreement may be confusing us because we have introduced an idea, oh, I think six years ago, where the city, and to make this whole process because after sitting on the Planning and Zoning Board for over a decade, we've addressed, and I sat there of course during times when Chip and Bill were on the Commission and at our various levels we addressed the University of Miami's Master Plan over and over, and over, and over again, and I don't think that anyone can justify the sanity of addressing something over and over and over and over again. So the idea of a Master Plan based on a development agreement had come up six or seven years ago and unfortunately it's never been really jelled into a final product, and fortunately we may be nearing that time now.

City Manager Salerno: Thank you.

Mayor Slesnick: Manager is that....?

City Manager Salerno: Yes, I think the University is ready to present.

Mayor Slesnick: Mr. Guilford.

Mr. Guilford: Good morning Mr. Mayor, Commissioners, for the record my name is Zeke Guilford, with offices at 2222 Ponce de Leon Boulevard. I'm here with Mort Guilford and Jeff Bass, and it gives us great pleasure to be here representing the University of Miami. What I'd like to do is just take a brief moment and recognize some of the people that are here, we obviously have President Shalala, from the Board of Trustees we have Ambassador Chuck Cobb, Art Hertz, and Ed Williamson; there are also many UM representatives who are here, who will be able to answer any questions that you may have. What I'd like to do at this time is have President Shalala come up and say a couple of words.

President Shalala: Thank you very much Mayor, Vice Mayor, members of the Commission, thank you for calling this meeting as we've indicated this is the beginning of a very complex process and trying to keep all the parts together is very difficult, and I want to thank the City Manager who has been able to corral all of us, and start the process. From our point of view this has been an extraordinary effort by everyone involved, and as you know our senior trustees are here who are Coral Gables residents to what the process and ensure that we pay attention to our neighbors and to the people of Coral Gables who has been so hospitable to the University. Let

me also add, hearing the Chief, we would be happy to through Rosenstiel (University of Miami School of Marine and Atmospheric Science) to provide a satellite map of the coastal region. We are taking pictures everyday and following the oil slick that will help in case the city decides to file any claims, and we'd be happy to provide that, another indication of the benefits of having a great university in the City of Coral Gables. Thank you for your leadership.

Mayor Slesnick: Thank you Madam President.

Mr. Guilford: Mr. Mayor we are not going to give you another full blown presentation, we think staff did an excellent job and a very thorough job in their staff report, as well as their presentation, and the Planning and Zoning Board did in fact recommend the amendments except for the GRIDs. So what I'm going to do this morning is just focus on the GRID. Really, I guess it kind of goes from a broad perspective to a narrow one is, I'm not sure if you know, but actually the entire City of Coral Gables is located within the Dade County traffic exemption zone, all property east of the Palmetto Expressway is exempt from traffic concurrency. In 1995 the City of Coral Gables created its own traffic exemption area, which is known as the GRID. What that does, it encompasses all non residential property east of LeJeune, west of Douglas from Eighth Street all the way down to the U.S.-1, and it encompasses the non residential property south of Dixie Highway. What it does not encompass is the largest non residential piece of property in Coral Gables which is the University of Miami campus.

Commissioner Withers: Zeke, let me ask you a question. Does it not go down Biltmore?

Mr. Guilford: No, it does not. It's just LeJeune to Douglas, the major corridors that are on major thoroughfares, LeJeune, Ponce, Douglas, U.S.-1.

Commissioner Withers: I thought we had incorporated Biltmore Way.

Mr. Guilford: No. What's interesting is the Florida Legislature in 2005 enacted a statute, 1013.30, and what that statute did, it recognized that universities have different impacts than other land uses and other property in the area; and what the statute says that a university must do is, it says it must prepare a master plan; the University did this in 1992. It also says that a university must prepare a traffic study that identifies the impacts and the mitigations to take care of those impacts. The University did that in 1992, according to our Zoning Code, we must update that traffic study every five years or every two thousand square feet of development. So it is ongoing, so we can continue to measure that impact and create mitigations to take care of it. Furthermore in 2008, the University performed a regional traffic study, and that regional traffic study followed the statute and the requirements of the statute, and the statute says that traffic study must be updated every five years, and the University is committed to updating that traffic study every five years as well. So we have safeguards in place. Now the University meets the statutory requirements to be included in the GRID; its immediately adjacent to the existing GRID; it has urban design that allows for sharing of resources and infrastructure; it has a mix of land uses, residential, office, academic, research, cultural that has different densities and intensities.

Mayor Slesnick: Zeke, does the GRID include Ponce?

Mr. Guilford: It includes – yes – well, I’m sorry, no, it went to U.S.-1 and south of U.S.-1, it did not include Ponce.

Mayor Slesnick: OK. So Ponce though – Ponce and San Amaro would be the only two exterior streets in the university that would now be included?

Mr. Guilford: Correct. Well it would go along San Amaro and around the university.

Mayor Slesnick: That’s what I’m saying, I’m just trying to think of, in other words, the majority of streets in the extension of the GRID would be on the university campus.

Mr. Guilford: That’s correct, absolutely. So let’s take a moment...

Mayor Slesnick: So if there were traffic jams or tie-ups, it would be on the university campus on those streets.

Mr. Guilford: That’s correct, yes sir. But let’s take a minute and let’s look at this university, the University of Miami and some of the things it has around it, and also some of the internal things it is doing to mitigate traffic. Number one, it is located next to the only Metro Rail Station in the City of Coral Gables. The university provides low cost, or free public transportation passes to faculty and staff. It is served by numerous bus routes and has a reasonable bike path. It has its own Hurricane Shuttle system to shuttle people around campus. It has an extensive pedestrian path system. The parking is created in such a manner that a student or faculty member, whoever it may be, can actually park on campus and leave their car there, either through the pedestrian pass, or the Hurricane Shuttle, they do not have to go back to their car and move it to another location to get to that class, or to that building, it is all done internally. The UM has a strategic goal of putting and building more residential housing on campus, thereby reducing the number of trips and the traffic that could be generated. In the last two years it has prohibited freshmen from driving cars; it has implemented a campus zip car program. Again, if you are a resident on campus you cannot go from that resident section into the main campus, you must take the shuttle system or walk. So therefore, those cars must stay stationary in the residential zone. The university has implemented a bike program that provide low cost student bicycles, and it also has increased their bike infrastructure so there are places to park next to the buildings, etc. It is having more faculty live on campus, it has created a Walking Canes program. Now I tell you all these things, and it is very important because none of those things are taken into consideration under the city’s concurrency system. What the city’s concurrency system does is, it looks at a building, looks at the square feet, and then calculates trips regardless of anything else. So frankly the city’s concurrency program does not work for a university.

Mayor Slesnick: OK. The city’s concurrency program, is that required by State law?

Mr. Guilford: I believe so.

Mayor Slesnick: So I mean, you keep emphasizing – here's my rub here. You emphasize several times the city's concurrency program, the city's concurrency program, and then we are like blind to new green efforts to, I mean, is it our fault that we don't take those things into consideration?-because if it is we should take a look at the entire....

Mr. Guilford: And to be honest, I don't believe the city can take those by its program. What's important is and to go back is that, the State recognizes that under Florida Statute 1013, that municipal concurrency programs do not work for universities. So what we are asking you to do today is to recognize that the Coral Gables City concurrency program does not work for the University of Miami, and if you recognize that it does not work for the University of Miami, then you must include us in the GRID. I thank you for your time. What I would like to do at this point is turn it over to Jeff Bass.

Mayor Slesnick: You may not be able to answer this question right now, but you can find out for me, but it's my impression or my understanding that if we were in the city's with the other great state universities, FSU and the University of Florida, and so forth, Northwest in north Florida, they are not, they are exempt from the concurrency programs of the city's.

Mr. Guilford: That is correct. Under Statute 1013 they are exempt from the local concurrency.

Mayor Slesnick: Mr. Bass.

Mr. Bass: Mr. Mayor, members of the Commission, Jeffrey Bass is my name...46 S.W. First Street...

Mayor Slesnick: Does the University provide you that tie?-or....

Mr. Bass:...is my address and I thought it was a wonderful day to wear this tie. I'm going to be very brief Mr. Mayor, members of the Commission, I really just want to amplify and explain the holistic approach that is the engine for this amendment for the development agreement and to describe to you all the animated principles in each of these pieces, so that when they come together you can see that there was a deliberate method to the structure of this approach. What we are seeking through various separate municipal actions is really to define a new era in how the City and the University relate to and interact with each other, and we are focusing particularly on the regulatory component of that, but not exclusively on the regulatory component of that because in redefining the relationship we realized that there is much more to how we deal with each other than simply the way that you regulate us. So what we have attempted to do with this Comprehensive Plan Amendment which is really the first part of a long series of conversations is to begin the exercise of synchronizing our Comprehensive Plan with our Zoning Code with our UMCAD with the hopes of streamlining for you all how you regulate us, so that we are not here all the time in front of you taking your capacity with respect to small and minor adjustments which we have to do, but rather to set into place a framework that gives us flexibility within our campus gives you oversight over what we do on our campus and at the same time protects everything that we do, I should say addresses the impacts of what we do on the surrounding neighborhoods, so the structure of this, is we are going to have a Comprehensive

Plan Amendment, we are going to have revisions to the Zoning Code and we are going to have a development agreement, they are all going to be heard through the public hearing process and they are all going to come together before you for final Commission approval sometimes this fall. What we ask for you to do today is to recommend the transmittal of these and to transmit these amendments to the State of Florida, so that they can come back to you for your full consideration during the adoption phase of this benefited at that time with the review and comments by the professional agencies. So unless there are any specific questions, I would ask that you transmit the amendments. The act of transmittal today does not in anyway bind you to take any action one way or the other when they come back. It just simply keeps the conversation going, so that we could hopefully wrap it all up together this fall. Thank you.

Mayor Slesnick: It is my understanding that on the record of the Planning and Zoning Board meeting, it was you I think...

Mr. Bass: It was.

Mayor Slesnick...That went on the record to say that the University of Miami takes no expectations or rights from this for any specific development improvement or zoning change.

Mr. Bass: And let me restate that, ratify that and make that assurance to you again today as part of this proceeding.

Mayor Slesnick: While you are up here let me just make sure because I just want everyone to understand what we are doing, we are entering into probably a three month process, give or take.

Mr. Bass: Correct.

Mayor Slesnick: Three month process of about from what I can tell if you include the Planning and Zoning Board of probably about four or five different elements of public hearings and public discussion, of public debate over these things.

Mr. Bass: Correct.

Mayor Slesnick: Ok. From the University of Miami, is that it?

Mr. Guilford: Mr. Mayor we do ask that you support staff's recommendation for submittal and we are available to answer any questions you may have, but that concludes our presentation.

Commissioner Anderson: Thank you.

Mayor Slesnick: Members of the Commission we have some speakers, do you want to ask questions now, or do you want to hear from the speakers?

Vice Mayor Kerdyk: Speakers.

Mayor Slesnick: OK. I would ask the people I am about to call, you have filled out cards and if you note that on the back. Oh well actually Walter we need to take a look at this, we have these nice new cards but there are no instructions on the back. The instructions that used to be on the back of our cards said that you are limited three minutes so I ask you to remember that. Albert Vara 8131 Los Pinos Boulevard.

Mr. Vara: Hi, my name is Albert Vara, good morning, my name is Albert Vara I live at 8131 Los Pinos Boulevard, and I want to thank the Commission for allowing me to speak. I am not a member of the Board of Trustees of the University of Miami, I have been honored to served on various fundraising arms of the University, however my wife and I did graduate from the University of Miami. I attended graduate school at the University of Miami. While.

Mayor Slesnick: Just put it down a little bit.

Mr. Vara: You mean I have to put it lower than Dona Shalala.

[Laughter]

Mayor Slesnick: She didn't speak directly into the Mic.

Mr. Vara: Oh, OK. Thank you, I feel better. My wife and I graduated from the University of Miami, I attended graduate school at night, our two children grew up riding bikes just blocks from the University of Miami, they have both now graduated from the University of Miami and my son is attending Medical School at the University of Miami. Between these milestones in my life, we have attended countless, countless events at the University. Such a strong family bond to an institution might sound strange to some. I think that you would find that as the University and the City of Coral Gables continue to mature, you are going to start seeing a lot more stories like that. I am already seeing it, with some of my friend's children. You know a hospital in St. Petersburg was so impressed with Dr. Bart Green, what he was doing with Haiti, that they donated four trailer loads of hospital supplies to the University of Miami to give to Haiti, I have been so inspired by that, that my company picked up the merchandise that was donated for free and brought it to the University. This was not months ago, this was last week when Haiti is no longer in the radar screen and everybody is talking about oil slicks; and so I think that the University has continued to do that and the University of Miami gets no credit for that in World rankings, it continues to climb World Rankings. I have the mythology that is used by USA World report for generating the rankings of the University, all rankings, and it says you know peer assessments, faculty resources, it says nothing about donating money to underserved causes like the doctors do at Jackson and like they do with Haiti. You can become one of the top ten party schools, you can become one of the top 10 most diverse schools, they don't have a ranking for a school that gives the most money back to the community or to an underserved country that is our neighbor like Haiti and yet the University of Miami does it, and I assure you that the Board of Trustee Members and Dona Shalala know what goes in those rankings and they still donate money. It is the largest private employer in Dade County, it used to be second to American Airlines, now it is first. American Airlines has never done anything to inspire my generosity even by giving me a second bag of peanuts, that just doesn't work for me, but the University; has

and I do it not to impress with you with how unselfish I am like when Commissioner Withers stayed quiet when Commissioner Kerdyk took \$500 of his money and gave it away, that was a generous act.

[Laughter]

Commissioner Withers: That is what he generally does.

Mayor Slesnick: I think it was \$400.

Mr. Vara: My impact on the University of Miami is for a totally selfish reason, I want the University of Miami to be the best University, I want it in my town, I don't want it anywhere else, so that is truly selfish; and I own property on Miracle Mile, I own a house in Coral Gables and I think the University is the jewel of the City, so I would like for this Commission to treat the University of Miami the way it deserves to be treated and give it the opportunity to work closely with the University. When Disney World went into Orlando they said, we are going to put up all of this money, we are going to create all of these jobs, but you are not going to inspect our buildings, you are not going to do our planning and you are not going to do our zoning and the Commissioners in Kissimmee/Orlando said great, when can you start? Well, the University doesn't have that kind of leverage now and it is just asking, it is not asking for a lot either, it is just asking to work closer with this Commission, and I would like to see you do it. Thank you very much.

Commissioner Withers: Hey Al, Commissioner Kerdyk usually likes to remain anonymous on his contributions, that is why he never signs the checks.

[Laughter]

Mayor Slesnick: Bill Hartnett, 4950 Campo Sano. Welcome back Bill we haven't seen you for a while, you usually send your brother to monitor us. You got to raise your mic Bill, he lowered it, it is suppose to point toward your mouth, no I am serious if you want to be picked up by the TV, you have to have pointing at you. Thank you.

Mr. Hartnett: My name is William J. Hartnett I live at 4950 Campo Sano Court. I am asking the Commission, as I asked the Planning and Zoning Board, to deny this ordinance this is simply a method by the University to violate some more laws of the City of Coral Gables. We have in the City of Coral Gables a concurrency management system, and if you look at the traffic analysis on A2, you will see that the zones of the University of Miami are in 46 and 47; in those zones one of the items of the concurrency statement is a traffic count. There is actually 0 traffic count in those zones. They are building now a building over on San Amaro called the Alumni Building and I could not find concurrency statements in looking at that file. The University of Miami has a development agreement, the State of Florida got them to agree and to sign in the late 80's a limitation on the size of the campus and a limitation on the amount of students that can be on that campus it was limited to the 225 acres I believe and 12,000 students. They have constantly

violated. They constantly violate the City of Coral Gables Ordinance, the Dade County Ordinance and the State of Florida.

Mayor Slesnick: Can you give me a reference to that?

Mr. Hartnett: Pardon?

Mayor Slesnick: Where can I find that document?

Mr. Hartnett: The Development Office, I had a copy of it, I apologize, but I gave my only copy away, I am trying to get from the State of Florida a copy of that development, but it is on file and it has been brought up by me several times, so I know that it does exist. This proposal that they are putting forth is in simple a way to get around the concurrency statement and to be exempt. To go into a grid system is not necessary; it just allows them to develop more traffic and more buildings on the campus that now exceeds all of the commercial square footage in the City of Coral Gables. At the present time the residents of the City of Coral Gables are subsidizing the University of Miami because every time the University of Miami buys a piece of property they take it off the tax roll. There is no income for the City, there is no income for our schools. The development plan that they are talking about, that it is going to happen, it hasn't happened in 18 years, it is not going to happen. Why should they prove into a development plan which is going to cost them something?-they can continuity violate the rules. The State of Florida enacted a growth ordinance Statute which prevents the developer from over building and maintains the quality of life for the citizens of the State of Florida that doesn't bother them. If I went into build a building and didn't concur with that, they would stop me immediately. So I ask you to deny this ordinance because the Proposition 4 they hurt the efforts by the University of Miami to put this on the ballot, is an effort to violate a future constitutional amendment that I am sure will pass with Proposition 4. None of this program that they have put here and the "snow job" that they gave the Planning Department was ever presented to the community committee. The people in the Planning Department got details of this thing about four days before the meeting. In the wealth of information that they provided there is a giveaway of City property, which involves the waterways and everything else; and I remind you that to override the Planning and Zoning Board it needs a 4/5's vote from this Commission; and I ask you again to vote down this amendment. There is no need to have the University of Miami involved in a grid system, because it is just an excuse to bypass the concurrency laws of the City of Coral Gables. Thank you.

Mayor Slesnick: Thank you. Ms. Maria Cruz, 1447 Miller Road.

Ms. Cruz: Good morning, my name is Maria Cruz, 1447 Miller Road. I am a neighbor of the University. As a matter of fact, I can see and hear the university from my home every day. I am also a neighbor who has been in the same house since 1976, and I have lived through lots of proposals, lots of plans, lots of promises that have not been delivered. I am here to ask you to not transmit this proposal, I am here to object to this special meeting called when most of our citizens are not in town, I am also here to tell you that I am getting tired of the University labeling themselves as good neighbors when it is not a fact. I am here to tell you that their neighbors are tired of the piecemeal approach. We never get the whole plan. As a matter of fact

I was surprised to hear this morning that we are considering more residential buildings. Well, I went to the meeting on the 16th, and we asked give us the whole idea, tell us what you have in mind so we can see how we would be affected, and we were told that they did not have anything to share with us, but today we are talking about more residential buildings. I was very surprised, actually I shouldn't have been, a few weeks ago they asked for an extension of the completion of the perimeter road. That road has been in the plans since, if I remember correctly 70's, in the 90's we talked about it again, in the 80's we talked about it. Guess what?-now we have an extension. I suggest that the University of Miami should not come to you again until they have completed that road that we have been waiting for, for a long time, I suggest that when you talk about how they are handling traffic. All of you are welcome to come and visit me, come to my house, sit on my front porch and tell me, how I make it to the hospital if I have an emergency when I can't get out of my house?-and this is not something I am making up a few weeks ago I had that problem when it is time for people to go to the university or leave the university, I am kidnapped. I cannot get out of my house. OK? I am tired of all this grandiose people do not need to drive to the university, well I am sorry the car is in front of my house, they are going to the university and they are coming from the university. I object to including the university in the grid, I think that we do very well with our City requirements, I think that every time there is going to be new development they should have new concurrency studies, I was promised like we were all promised in that area when the University Village was built, that it wouldn't affect us if you remember, because I was here then I said to get out of my house, I needed a helicopter. Well I would hate to tell you that a helicopter won't do now, I need something better than that, because it is impossible, it is impossible the amount of traffic that we deal with all of the time. I object to all of this retail possibility the City that is tax free land. They don't pay real estate taxes, why should they have any more retail stuff there? Let the neighbors, let the other people make money on their business, there is retail business a few blocks away they don't needed in the campus, let the businesses that pay taxes get the benefit of their business. I have a serious issue with anybody representing, I am sorry the other people talked and talked and talked.

Mayor Slesnick: Well you have talked five minutes now.

Ms. Cruz: OK. I have a serious concern with anybody representing what the board meant. They were very clear that they did not want amendments E and F, and I think you all should consider their decision to object to E and F.

Mayor Slesnick: We have the transcript.

Ms. Cruz: It is very clear isn't it?

Mayor Slesnick: No.

Ms. Cruz: I would also like to go on record saying that it is very coincidental, I think that it is very interesting that every time that the university has something that could be difficult for the neighbors to accept, it always happens to come up when the neighbors are on vacation. This is June. After school ends, most of our people go away. You know when I get the letter for the

meeting that they have at the university, it was dated June 9th, how many people are still in town at that time.

Mayor Slesnick: I appreciate your comments, but most of us are still here.

Ms. Cruz: A lot of people are not here, talk to my neighbors, they are not here. I think it is time to get the neighbors involved, and I ask you to please do not transmit this until you hear from everyone. Thank you.

Mayor Slesnick: Maria, one thing to understand too is that if this goes forward and if we keep doing this the final discussions, the final hearings will be after school is back in session.

Ms. Cruz: And hopefully after November after proposition. Amendment 4 goes through and it will be history.

Mayor Slesnick: Well I don't know about that, and I can tell you that I for one oppose Proposition 4 and I think that a lot of people oppose Proposition 4.

Ms. Cruz: From my understanding from reading what other people are saying, it has a good chance, and I think this is the urgency of this because we think it may pass.

Mayor Slesnick: It may that doesn't mean it is good for the citizens.

Ms. Cruz: Alright.

Mayor Slesnick: Thank you Maria. It was good seeing you. Richard Namon 5555 Oakwood Lane.

Mr. Namon: Yes, I am Richard Namon 5555 Oakwood Lane, Mr. Mayor, and I guess no more Mr. Vice Mayor and Commissioners I have three points I would like to make point one is that I don't think that the University of Miami it is just an important part of Coral Gables, I think it is Coral Gables and so I am generally for everything that will help the University because I do really believe that it helps the City. That being said there are two other things that have come to mind now after considering this proposal, and these are things that should be considered by the time it comes back for further consideration. Whenever there is a change in zoning, I feel the Planning Department should take and make up sort of three (3) dimensional models, not of detail, but showing what could currently be built according to Code in terms of coverage and height, and then what could with the change in zoning be built in terms of coverage and height. That brings up the point of this change of zoning along Ponce de Leon Boulevard. Right now the way the buildings have been built, I can live with the University's United Bank Center, simply because it has been setback far enough away from Ponce de Leon Boulevard that it doesn't have a visual impact on that road. Ponce de Leon Boulevard has become a very traffic sensitive road because US-1 is gridlocked at certain hours. This is unfortunately due to bad planning by the County, it has nothing to do with the University or the City of Coral Gables, but that brings up the issue, if there is further development along Ponce de Leon Boulevard, what

would the height and scale of the scene, I think the Planning Department is obliged to give us an idea of when they incorporate for instance what the individuals properties that could be of various things built and then become University campus property I am for the inclusion, but I think that the residents should have an idea of what it will entail in the end; and if there are additional buildings on Ponce de Leon Boulevard with commercial use, I think those commercial uses should be considered in terms of the City's own benefit, besides the University's; and I will bring up one that has come up in the newspaper recently which I find very interesting, the thought of the University having a conference center and a hotel. Well this is in competition to property we already own, we have subsidized and have built a convention center at the Biltmore Hotel, and I would love to think of the University actually operating the Biltmore Hotel rather than the current non paying management, because the University I think would do well to have a convention center, but I think that having two of them within a couple of miles of one another will be self-defeating. It is taking the same amount of business and splitting it. So those are my comments I hope that when the future decisions are being made that the actual zoning uses the traffic considerations that will relate to those possibilities and the kind of massive scaling, because I would like to see Ponce de Leon Boulevard retain a certain kind of low level appearance from the street. Thank you.

Commissioner Anderson: Thank you.

Mayor Slesnick: Thank you. Enrique Lopez, 1312 Sorolla.

Mr. Lopez: Good morning Mayor, Vice Mayor, Commissioners, City Manager, City Attorney, and City Clerk and fellow residents of our City Beautiful. I am Enrique Lopez, I am a resident at 1312 Sorolla, and a proud U of M graduate. I am here to support approval of this ordinance on its first reading; and primarily, as I hear my fellow residents, it is because for once we will have a formal vehicle by which all future activities within the University of Miami Campus will be governed a true benchmark; and I think we have heard it over the years, and I would like to thank Mr. Salerno for taking the leadership as President Shalala says he has corralled us. Well, I think it is about time that the corralling occurred, for this to occur. The University of Miami is a good neighbor over the years, both City and University have come to realize the mutual importance and need for each other and have changed their respective approaches to reaching agreements in time of these agreements an example of how this relationship has changed is the observation made by one of the board members of the Planning and Zoning Board who voted approval of the item minus D and E last week. He inquired if this was truly a U of M item before them as there were too few people in the Chamber. According to the member, his expectations based on past experiences were a crowded Chamber with a long line of residents outside reaching outside City Hall protesting for whatever the University was here for. Yes, times have changed and civility by and between the parties governs and it is a testament to both parties good faith and will to resolve not to complicate issues. After all, I do not envision neither the City Government nor the University departing our City anytime soon. Those of us who visit the campus, and I do quite a bit, it is sometimes under this stressful times that there is a disconnect, seeing the greenery, the beautiful campus that is there today was not there when I went back in '71 through '75. But do enjoy bicycles, cars or walking. We have seen the effort put forth by the University to beautify its campus and surroundings internally as well as externally. The University has over the years

made efforts to adjust and compliment its surroundings with an awareness of its neighbors. The University not only serves as a gem, and I do say a gem, but also in our community as a whole. As during past years with undesired events, you may recall the 80's the riots, the Mariel influx there was always the University of Miami, that kind of brought the whole community together, via by sports, via by their academic standing, or whatever it was but it was the University of Miami. I see your approval of this ordinance as another positive step in this evolving relationship, one that has cherished all well. The Ordinance has as many have said a safeguard and I concur with Mrs. Cruz there are many steps to be taken, but there are safeguards, this is not a done issue including many that were suggested by the University, by their council during the Planning and Zoning Board to ensure that the interest of all residents are well served. Your vote in favor will not disappoint us as I stand here requesting this before you, I am thinking if our community can only be like Boston and have a few more universities like the one we call our own. Thank you.

Mayor Slesnick: Thank you. Mr. Stanford Birnholz. 1450 Baracoa Avenue. Hello Stan. Haven't seen you in a while either.

Mr. Birnholz: Commissioners, Ms. Hernandez, Mr. Salerno, and thank you Mr. Foeman for Monday and Billy for giving me the information. I live in Baracoa within the 1,500 foot boundary of the University of Miami and I did not receive any kind of notice of any prior meetings on this subject and I would like to be put on some kind of mailing list, please. Mr. Mayor congratulations on your award from Taiwan. I read the part of the pronounce by the Planning Department and I guess the University of Miami that were put on the City's website. One of the documents, there were many documents, one of the documents was 415 pages. I went through 25 of them, and of course I don't understand any of it. I just have one specific question I would like clarified, I go in reverse chronological order. Monday I went over to the City, I went over to the Planning Department. I went over to the building, next door to this building and I asked the people the young ladies there, does this document this change in zoning, is that going to affect the internal perimeter road and the safety on San Amaro Avenue that we have been talking about for decades. I go back to 1957 on that, when Dr. Pearson said the road would go in. The assistant there would not come out of the office and said he didn't know. So, I walked out of the building and met Mr. Riel who was coming to the building and I asked him the same question, and he said that with the new zoning and the new plan, he couldn't tell me for sure whether or not.

Mayor Slesnick: Who was that?

Mr. Birnholz: Mr. Riel, he is the Planning Director here.

Mayor Slesnick: Riel.

Mr. Birnholz: Ohh I am sorry, I am sorry Mr. Riel.

Mayor Slesnick: OK.

Mr. Birnholz: I saw you and Ms. Janet Gavarrette, the planner for the University of Miami, last veterans day at the University of Miami, and I asked her when they were going to start building the road? They were suppose to have started last summer she said definitely by March of this year. At the end of March I emailed Ms. Gavarrette she didn't email me back. I heard some rumors that they have a postponement on that now. Now what happened going back in time 2007, March 27th at this meeting the Dean of the University of Miami was in attendance, lots of people from the University and the UMCAD required this internal road and also required no construction on University Campus as a condition precedent to that road; and history goes back in 2004, this Commission passed an ordinance with a time certain, and the issue there was whether or not the University would install a traffic signal by the law school on San Amaro, or close that entrance; and there was a time certain and time passed and the University had to do the internal road; and going back there was a Resolution before that, and there was a promise when they made Miller Drive a private road into the University for the Law School that the traffic light would be there; and when they did the extension for the law library in 1996 they promised a road, they promised a traffic light, and this wasn't done. Now I am not smart enough to understand all of these hundreds and hundreds of pages of zoning law, and I would just like to know whether or not there is going to be a road or not. Now whether this document is going to affect it or not and Mr. Riel can't tell me, nobody could tell so, with your Chinese degree maybe you could tell me Mr. Mayor.

[Laughter]

Commissioner Anderson: That medal really has conferred on you some great power.

Mayor Slesnick: It is like the Wizard of Oz.

Commissioner Anderson: That's right the great Oz.

Mr. Birnholz: I am sure you don't know, but...

Mayor Slesnick: No, but let me tell you very specifically, and each Commissioner can jump in if they see it differently. When I vote on this document and Mr. Riel or Mr. Manager, I want to be corrected if I am wrong, someone stand up and correct me, because I am taking a public position. When I vote on this document today, I do not believe that I am voting yea, nay change or anything about the road, this document today has nothing to do with the interior road is that correct?

Mr. Charles Siemon: That is correct. That is an UMCAD 2006 obligation that was approved on March 27, 2007.

Mayor Slesnick: Charles Siemon, special counsel to the City, you've met Charles before. He was our special counsel for four years through the entire rewrite of our Zoning Code. But that is answer is that today's vote and this document has nothing to do with the interior roads, so that's the answer for today.

Mr. Birnholz: and when is it going to get started?

Mayor Slesnick: Well like you said, it was an extension given to the University based on the fact that there was an extension on time when they were going to be buildings that would be impacted by the traffic flow. Therefore, that Manager and the administration extended the time period for the start of the road until next year, or until some of those buildings start to be built and that's when it goes into effect.

Mr. Birnholz: So no definite time?

Mayor Slesnick: There is a definite time; it's extended until September 2011.

Commissioner Anderson: It's a six month extension, I believe.

Mayor Slesnick: Or until they start building the buildings. If they do that before then, they have to start the road before then, that's what I want to tell you. I happen to know in conversations, again you can correct me if I am wrong, but I happen to know that the City Manager in granting that extension has showed me no indication that he disagrees with the need for the interior road in the future. So what I'm telling you is that up until this point that the only thing that has changed is that the extension has been given to the University. If there are any further changes, as we go through this process, and I capitalize if, it would be clearly laid out, clearly discussed, clearly debated publically, and you will know that that's being debated. At the moment we are not debating that, and we are not considering getting rid of the road and we ware not considering extending it any further than what is on record. Mr. Manager the extension is until 2011?-is that correct?

City Manager Salerno: August 31, 2011.

Mayor Slesnick: August 31, 2011, or if the buildings that they say are being delayed start being built.

Mr. Birnholz: OK, just information for me. Now the main reason for asking

Mayor Slesnick: But wait. I want to make sure we are clear on this. You said there are 2000 pages and it's incomprehensible. It just so happens that to do this job it takes 2000 pages and incompressible legal lees to get through it, but sitting up here we are all citizens just like you, and these reports have to get explained to us pretty clearly as well, like lay people. That's why I'm trying to make it very clear that we that there is no hidden agenda about the road in this document.

Mr. Birnholz: The only other point is the main reason they are doing this road, it started with traffic light, it started with pedestrian crossings. None of these things could've been done because of the DOT rule, but because of this comprehensive thing. The main issue is for the people who go the University all the time crossing the street at San Amaro, still there is no stop of traffic, the traffic circles don't really help, its better but...

Mayor Slesnick: OK. I hope the traffic circles help. They seem to help. Give it that much, OK? They help, come on.

Mr. Birnholz: Sure they help, but it could better.

Mayor Slesnick: We have three more cards, but these people have decided not need or appear to speak. We have cards from Chuck Cobb of 355 Alhambra Circle and he says he supports the application, Ed Williamson of Snapper Creek says he supports the application, and Art Hertz of Coral Gables, who supports the application. With that we are closing the public hearing and back to the comments or questions by the Commission...Mr. Kerdyk.

Vice Mayor Kerdyk: I have a few question for Mr. Charlie Siemon. Could you explain to me your comment with putting the University of Miami in grid would promote and protect the residential neighborhood? Could you further expound that?

Mr. Charles Siemon: I believe that the long term integrity of the neighborhoods in terms of traffic is the design and implementation of programs that promote alternative modes of transportation. That internalizes trips that limit both peak hour trips. Direct those toward the transit station, direct them towards the south and that the nature of the uses and the integration of uses related to the University on campus, to limit so that you internalize that trips, I believe will be over time the best way to protect the neighbors until the an internal road is configured, you have opportunities to make other closures on access ways. It's not just road capacity that it will protect; it's the long term mobility. Mobility is not just cars, it's how you live your daily life; and I believe that's the best opportunity for the long term to accommodate the University's growth, to internalize the impact of both traffic and other actives, and to promote the University's growth.

Mayor Slesnick: Charlie; since you're staying up here answering Mr. Kerdyk's questions as an expert, could you give us a little background to put on the record, the reasons why Ms. Hernandez hired you as our special counsel for the rewrite of our Zoning Code, and now this, I'm sincere, I'd like the citizens to understand, and they probably don't remember when you first introduced to us about six years ago, what your background in this is, and why you can sit here and opine like you do?

Mr. Charles Siemon: My partner and I, Wendy Larson, have been in business together for 34 years. We spent most of our adult careers in Chicago, as consultants representing both public and private sector clients around the country. We have represented and done work for states, for the Department of Community Affairs in Florida, for example the Governor of Delaware, the Governor of New York, we were the lead land management consultants to the New Jersey Pinewoods Commission, one the most successful regional programs in the country. But we have also represented developers all over the country particularly in Bill's environment, in-fill redevelopment. We were the designers in Mizner Park in Boca Raton. We have also been very active in promoting reform in the land use, and regulatory program. I was a clerk to the first Elms Committee, researcher in 1973, it takes me back. I served as an expert witness in both state

and federal court in administrative proceedings in both planning and law. I taught at Northwestern University College of Law for eleven years and at DePaul University for seven years prior, to that all during my Chicago career. I am the author of three books and couple hundred articles in Law Review and planning magazines.

Vice Mayor Kerdyk: But more importantly you're representing the City in this matter. Are we taking any properties off the tax records?

Mr. Charles Siemon: Not that I am aware of.

Vice Mayor Kerdyk: Mr. Hartnett mentioned that. Mr. Namon had an interesting comment as far as the changes in Zoning on Ponce, modeling the height...are there any height limitations on Ponce?

Mr. Charles Siemon: There are.

Vice Mayor Kerdyk: Could you elaborate a little bit?

Mr. Charles Siemon: There is a fifty foot setback along Ponce...at the fifty foot setback that is permitted there is ninety feet and then it can go up the greater distance, one foot higher and one foot back from that point on, and I am unaware of any suggestion that those any height limitations, which are in the existing UMCAD approval are to be changed.

Vice Mayor Kerdyk: One last comment...then I shall let the other Commissioners make comments. Citizens not being in town, Mrs. Cruz mentioned June 9th, that we are going to have sufficient amount of public input at numerous times throughout this process, if this does get transmitted. That's just a comment. And, they will happen after the summer months?

Mr. Larson: That's correct.

Vice Mayor Kerdyk: Okay, thank you.

Commissioner Anderson: A couple of... ah, Mr. Larson, and Mr. Siemon I was thinking of your partner, Wendy., it would be Ms. Larson. Speak to me a little bit briefly what you shared with me about buffer zones to the neighborhoods, some of the protections and visions.

Mr. Larson: The Zoning district that we started work on when we started the major re-write of the Zoning Code which was not...presumptuously suspended until it could be done in the context of the development agreement which hasn't happened yet, but is now in the... contemplates that there will be a buffer zone along all those edges where the university is opposite residential neighborhoods, and then behind that buffer zone will be a transition area where there will be additional standards both in terms of what uses are permitted, what approvals are required and performance standards to ensure that they are compatible; and that's a part of the zoning that we have been working on, and we have been working when we were working on the Zoning Code...

Commissioner Anderson: Right.

Mr. Larson:...We have worked with the University and its representative s on a collaborative basis, and we have been doing so in the context of a development agreement as well.

Commissioner Anderson: Thank you.

Commissioner Withers: I just, I have a procedural question. When this application is put forth by the University to the State, it's reviewed by a group, three people, staff, what does, how does it, how does it go through the...

Mr. Larson: You mean, the review?

Commissioner Withers: Yes.

Mr. Larson: After we transmit?

Commissioner Withers: Uh-huh.

Mr. Larson: It's transmitted both to the Department and also to other agencies like the Regional Planning Council adjacent municipalities. They have a 30-day period in which to give comments...

Commissioner Withers: Right.

Mr. Larson: ... to the Department of Community Affairs, then the Lead Planner will make a recommendation to the Secretary as to how, what if any comments they want to forward to us.

Commissioner Withers: Okay, so the DCA is a catch all for all the comments from all the different?

Mr. Larson: That's correct.

Commissioner Withers: And, if... do they have questions? Do they ever come back and say we need further explanation or?

Mr. Larson: We, typically, when the City transmits a Comp Plan amendment, we do actively communicate with them. Eric communicates with them and it's not just you send it up, and there is communications in the transmittal letter and we would request that opportunity to discuss with them, either to answer questions or provide additional information during the process.

Commissioner Withers: Okay, that's kind of what I expected. So, my question is this, who responds to those questions?-is it the University responding, is it jointly you and the University, it is us only, who does the actual response.

Mr. Larson: The response actually comes from the City, if there is a request for additional information. We are the ones who are transmitting the amendment for their review, and obviously, if there is something that the University needs to provide additional information of some kind of amendment, much of the documentation has come from maps prepared for example by the University in their application.

Commissioner Withers: Thank you.

Mayor Slesnick: Anything else?

Commissioner Anderson: No.

Mayor Slesnick: Mr. Manager, do you have anything else?

City Manager Salerno: Nothing else, Mayor.

Mayor Slesnick: Madam, City Attorney, anything?

City Attorney Hernandez: Nothing.

Mayor Slesnick: Okay, we are going to just hesitate here until we get the Vice Mayor back. Yes.

Mr. Larson: Afterwards it goes to FDOT.

Mayor Slesnick: I am sorry.

Mr. Larson: Afterwards, it goes to FDOT. The document goes to FDOT for their comments as well.

Commissioner Withers: Separate from the DCA?

Mr. Larson: Yeah, when... we actually send it to the Regional Planning Council and DOT is on that list.

Commissioner Withers: Oh.

Mayor Slesnick: Alright.

Commissioner Withers: Are we going to move these individually, Don, A, B, C, D, E and F?

Commissioner Anderson: I was thinking, did we need to, I mean?

Commissioner Withers: I don't know.

Mayor Slesnick: It seems to me that the ordinance includes all six.

Commissioner Withers: Okay.

Commissioner Anderson: Yeah, I would be willing to...

Mayor Slesnick: Am I correct, Madam City Attorney?

City Attorney Hernandez: Yes, you are correct.

Commissioner Anderson: Yeah.

Mayor Slesnick: Do we have a motion?

Commissioner Anderson: I would like to, yeah. Before I make the motion to transmit, I would like to share very briefly. I am glad we have gotten here today, I think there is still more work to do. I look to our Manager and to the representatives of the University to complete this development agreement to the benefit of both. I believe that Mr. Vara is right. It's a world class University, a world class city and we deserve it to grow, but grow with a vision. It is balanced out by the needs of the neighbors and I hope that when the document comes back in its full form, with all the comments and in the final mitigation or the final document, that we take into account the issues voiced here today, to protect the neighborhoods while the University expands and grows. That being said, I make a motion to transmit all the amendments to D.C.A. for their review.

Commissioner Withers: Second.

Mayor Slesnick: Okay.

Vice Mayor Kerdyk: And with your comments.

Mayor Slesnick: And a second. So your motion is to adopt the ordinance on First Reading...

Commissioner Anderson: That's correct.

Mayor Slesnick: ... that's C-1.

Commissioner Anderson: As presented.

Mayor Slesnick: As presented. Mr. Clerk, do we have that?

City Clerk Foeman: Yes, Mr. Mayor.

Mayor Slesnick: Okay.

Vice Mayor Kerdyk: Can I make a comment, just for the record?

Commissioner Withers: Yes.

Mayor Slesnick: Absolutely.

Vice Mayor Kerdyk: Yes, thank you. You know it's my feeling that, you know there are so few issues that need to be resolved, especially with regards to the grid and some of the development area that's out there on Ponce de Leon. You know, I want to see that there is plenty of input between now and the final hearing there, but I do... The most important thing of course is the development agreement which is ultimately the lynch pin of what the on. Until we get that, I can't tell you whether I can vote for this at the end of the process or not, so I will be looking for the City Manager to provide us those essential elements of that development agreement. I am for transmitting the Comp Plan as proposed here and I look forward to this process continuing in the public eye.

Mayor Slesnick: I would certainly concur with the fact that it shouldn't surprise, not by some things, it shouldn't surprise no one. Number one is, this City government has never operated outside the public eye, and I agree with the Vice Mayor and the other Commissioners, that we don't intend to start that now, so we have always worked openly and you know part of it is required by State Law but this Commission has actually done a number of things to extend our responsibilities to the citizens beyond what we are required to do by State Law to publicly notice people and publicly debate people and the website thanks to the good work of our City Clerk, our IT department, the Manager's Office now publishes so much of our materials on line, you can sit at home and you can pull up our agendas, you can go to all the supporting documents, unfortunately, understand there are some of them that are long but they are there. We do everything we can to make sure that everything is there for public consumption and public debate. It also should surprise no one because for the last and I can speak to the last twenty-seven years that I have been involved in either the Planning and Zoning Board or this Commission we have talked about the inadequacies of the UMCAD procedure, the inadequacy of the annual reviews, the updates the changes, and much of the consternation I believe for the citizens and the University both because there has been no solid long term final plan put forth that everybody can rely on and it should be as no surprise to anyone that we have been working for some years on a development agreement and there is no obligation for the City to enter into a development agreement, there is no obligation for the University to enter into a development agreement, this has been a good faith, even though long extended effort, on both parties to address one of the concerns that a neighbor raised and that is, as other people have said that the University already gives back in so many ways to this community, but their desire to possibly give back in a financial manner and that of course it is something that they are not required to do. So there obviously are quit pro quos for everything in life and one of those is our openness to discussing the development agreement with them. Which we think, which I think, not everybody, has great merit, so with that I intend to support this also. Mr. Clerk.

Vice Mayor Kerdyk: Yes.

Commissioner Withers: Yes.

Commissioner Anderson: Yes.

Mayor Slesnick: Yes.